

Panaji, 21st October, 2004 (Asvina 29, 1926)

SERIES II No. 30

OFFICIAL GAZETTE

GOVERNMENT OF GOA



Note:- There are Two Extraordinary issues to the Official Gazette, Series II, No. 29 dated 14-10-2004 as follows:-

- 1) Extraordinary dated 19-10-2004 from pages 699 to 700 regarding Notices from Department of Public Health.
- 2) Extraordinary No. 2 dated 19-10-2004 from pages 701 to 702 regarding Notification from Department of Elections (Office of the Chief Electoral Officer).

GOVERNMENT OF GOA

Department of Co-operation

Office of the Registrar of Co-operative Societies

Order

No. 48-1-90/TS/RCS

Read:- 1) This office order No. 48-1-90/TS dated 21-4-1997.

In exercise of the powers conferred on me by sub-section (1) of Section 93 of the Maharashtra Co-operative Societies Act, 1960 as in force in the State of Goa read with sub-rule (1) of Rule 73 of the Co-operative Societies Rules, 1962, I, S. D. Desai, Registrar of Co-operative Societies, Goa am pleased to extend the term of appointment of Shri Ashraf Agha, Advocate as the Registrar's nominee for deciding the disputes arising in any of the Co-operative Societies referred to him by the Registrar of Co-operative Societies, Panaji or Asstt. Registrar of Co-op. Societies, Central Zone, Panaji, South Zone, Margao, North Zone, Mapusa and Dairy office, Ponda of State of Goa, as the case may be for further period of one year with retrospective effect from 1-4-98 to 31-3-99.

S. D. Desai, Registrar of Co-op. Societies.

Panaji, 15th April, 1998.

Order

No. 48-1-90/TS/RCS

Read:- 1) This office order No. 48-1-90/TS dated 20-5-1997.

In exercise of the powers conferred on me by sub-section (1) of Section 93 of the Maharashtra Co-operative

Societies Act, 1960 as in force in the State of Goa read with sub-rule (1) of Rule 73 of the Co-operative Societies Rules, 1962, I, S. D. Desai, Registrar of Co-operative Societies, Goa am pleased to extend the term of appointment of Shri Nicholas Dias, Advocate as the Registrar's nominee for deciding the disputes arising in any of the Co-operative Societies referred to him by the Registrar of Co-operative Societies, Panaji, or Asstt. Registrar of Co-op. Societies, Central Zone, Panaji, South Zone, Margao, North Zone, Mapusa and Dairy office, Ponda of State of Goa, as the case may be for further period of one year with retrospective effect from 1-4-98 to 31-3-99.

S. D. Desai, Registrar of Co-op. Societies.

Panaji, 15th April, 1998.

Order

No. 48-1-90/TS/RCS

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In exercise of the powers conferred on me by sub-section (1) of Section 93 of the Maharashtra Co-operative Societies Act, 1960 as in force in the State of Goa read with sub-rule (1) of Rule 73 of the Co-operative Societies Rules, 1962, I, S. D. Desai, Registrar of Co-operative Societies, Goa am pleased to extend the term of appointment of Shri Santosh H. Bharné, Advocate as the Registrar's nominee for deciding the disputes arising in any of the Co-operative Societies referred to him by the Registrar of Co-operative Societies, Panaji, or Asstt. Registrar of Co-op. Societies, Central Zone, Panaji, South Zone, Margao, North Zone, Mapusa and Dairy office, Ponda of State of Goa, as the case may be for further period of one year with retrospective effect from 1-4-98 to 31-3-99.

S. D. Desai, Registrar of Co-op. Societies.

Panaji, 15th April, 1998.

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In exercise of the powers conferred on me by sub-section (1) of Section 93 of the Maharashtra Co-operative Societies Act, 1960 as in force in the State of Goa read with sub-rule (1) of Rule 73 of the Co-operative Societies Rules, 1962, I, S. D. Desai, Registrar of Co-operative Societies, Goa am pleased to extend the term of appointment of Shri Santosh Laximan Fadte, Advocate as the Registrar's nominee for deciding the disputes arising in any of the Co-operative Societies referred to him by the Registrar of Co-operative Societies, Panaji, or Asstt. Registrar of Co-op. Societies, Central Zone, Panaji, South Zone, Margao, North Zone, Mapusa and Dairy office, Ponda of State of Goa, as the case may be for further period of one year with retrospective effect from 1-4-98 to 31-3-99.

S. D. Desai, Registrar of Co-op. Societies.

Panaji, 15th April, 1998.

Order

No. 48-1-90/TS/RCS

Read:- 1) This office order No. 48-1-90/TS dated 21-4-1997.

In exercise of the powers conferred on me by sub-section (1) of Section 93 of the Maharashtra Co-operative Societies Act, 1960 as in force in the State of Goa read with sub-rule (1) of Rule 73 of the Co-operative Societies Rules, 1962, I, S. D. Desai, Registrar of Co-operative Societies, Goa am pleased to extend the term of appointment of Shri Caetano de Rosario Rodrigues, Advocate as the Registrar's nominee for deciding the disputes arising in any of the Co-operative Societies referred to him by the Registrar of Co-operative Societies, Panaji, or Asstt. Registrar of Co-op. Societies, Central Zone, Panaji, South Zone, Margao, North Zone, Mapusa and Dairy office, Ponda of State of Goa, as the case may be for further period of one year with retrospective effect from 1-4-98 to 31-3-99.

S. D. Desai, Registrar of Co-op. Societies.

Panaji, 15th April, 1998.

Order

No. 48-1-90/TS/RCS

Read:- 1) This office order No. 48-1-90/TS dated 21-4-1997.

In exercise of the powers conferred on me by sub-section (1) of Section 93 of the Maharashtra Co-operative Societies Act, 1960 as in force in the State of Goa read

with sub-rule (1) of Rule 73 of the Co-operative Societies Rules, 1962, I, S. D. Desai, Registrar of Co-operative Societies, Goa am pleased to extend the term of appointment of Shri Shashikant A. Parab, Advocate as the Registrar's nominee for deciding the disputes arising in any of the Co-operative Societies referred to him by the Registrar of Co-operative Societies, Panaji, or Asstt. Registrar of Co-op. Societies, Central Zone, Panaji, South Zone, Margao, North Zone, Mapusa and Dairy office, Ponda of State of Goa, as the case may be for further period of one year with retrospective effect from 1-4-98 to 31-3-99.

S. D. Desai, Registrar of Co-op. Societies.

Panaji, 15th April, 1998.

Order

No. 48-1-90/TS/RCS

Read:- 1) This office order No. 48-1-90/TS dated 14-11-1997.

In exercise of the powers conferred on me by sub-section (1) of Section 93 of the Maharashtra Co-operative Societies Act, 1960 as in force in the State of Goa read with sub-rule (1) of Rule 73 of the Co-operative Societies Rules, 1962, I, S. D. Desai, Registrar of Co-operative Societies, Goa am pleased to extend the term of appointment of Shri T. A. Sawant, Advocate as the Registrar's nominee for deciding the disputes arising in any of the Co-operative Societies referred to him by the Registrar of Co-operative Societies, Panaji, or Asstt. Registrar of Co-op. Societies, Central Zone, Panaji, South Zone, Margao, North Zone, Mapusa and Dairy office, Ponda of State of Goa, as the case may be for further period of one year with retrospective effect from 1-4-98 to 31-3-99.

S. D. Desai, Registrar of Co-op. Societies.

Panaji, 15th April, 1998.

Order

No. 48-1-90/TS/RCS

Read:- 1) This office order No. 48-1-90/TS dated 20-5-1997.

In exercise of the powers conferred on me by sub-section (1) of Section 93 of the Maharashtra Co-operative Societies Act, 1960 as in force in the State of Goa read with sub-rule (1) of Rule 73 of the Co-operative Societies Rules, 1962, I, S. D. Desai, Registrar of Co-operative Societies, Goa am pleased to extend the term of appointment of Shri G. K. Hagde Dessai, Advocate as the Registrar's nominee for deciding the disputes arising in any of the Co-operative Societies referred to him by the Registrar of Co-operative Societies, Panaji, or Asstt. Registrar of Co-op. Societies, Central Zone, Panaji, South

Zone, Margao, North Zone, Mapusa and Dairy office, Ponda of State of Goa, as the case may be for further period of one year with retrospective effect from 1-4-98 to 31-3-99.

S. D. Desai, Registrar of Co-op. Societies.

Panaji, 15th April, 1998.

Order

No. 48-1-90/TS/RCS

Read:- 1) This office order No. 48-1-90/TS dated 5-6-1997.

In exercise of the powers conferred on me by sub-section (1) of Section 93 of the Maharashtra Co-operative Societies Act, 1960 as in force in the State of Goa read with sub-rule (1) of Rule 73 of the Co-operative Societies Rules, 1962, I, S. D. Desai, Registrar of Co-operative Societies, Goa am pleased to extend the term of appointment of Shri Prakash K. Gude, Advocate as the Registrar's nominee for deciding the disputes arising in any of the Co-operative Societies referred to him by the Registrar of Co-operative Societies, Panaji, or Asstt. Registrar of Co-op. Societies, Central Zone, Panaji, South Zone, Margao, North Zone, Mapusa and Dairy office, Ponda of State of Goa, as the case may be for further period of one year with retrospective effect from 1-4-98 to 31-3-99.

S. D. Desai, Registrar of Co-op. Societies.

Panaji, 15th April, 1998.

Order

No. 48-1-90/TS/RCS

Read:- 1) This office order No. 48-1-90/TS dated 20-5-1997.

In exercise of the powers conferred on me by sub-section (1) of Section 93 of the Maharashtra Co-operative Societies Act, 1960 as in force in the State of Goa read with sub-rule (1) of Rule 73 of the Co-operative Societies Rules, 1962, I, S. D. Desai, Registrar of Co-operative Societies, Goa am pleased to extend the term of appointment of Shri Sanjay M. Chodankar, Advocate as the Registrar's nominee for deciding the disputes arising in any of the Co-operative Societies referred to him by the Registrar of Co-operative Societies, Panaji, or Asstt. Registrar of Co-op. Societies, Central Zone, Panaji, South Zone, Margao, North Zone, Mapusa and Dairy office, Ponda of State of Goa, as the case may be for further period of one year with retrospective effect from 1-4-98 to 31-3-99.

S. D. Desai, Registrar of Co-op. Societies.

Panaji, 15th April, 1998.

Department of Education, Art & Culture

Directorate of School Education

Order

No. 1(2)-7-2003-SE/PART/214

Read:- 1) Government Order No. 1(2)-7-2003-SE/107 dated 12-3-2003.

2) No. 1(2)-7-2003-SE/314 dated 11-09-2003.

3) No. 1(2)-7-2003-SE/PART/97 dated 25-05-2004.

Government is pleased to extend the period of ad hoc promotion in respect of the following Dy. Education Officer/Principal, Government Higher Secondary Schools and Vocational Education Officers in the Directorate of Education ordered vide orders under reference 1, 2 & 3 above for a further period of 6 (six) months with effect from 13-09-2004 to 12-03-2005 in the pay scale of Rs. 10000-325-15,200/-. This is issued with the concurrence of the Goa Public Service Commission as conveyed vide their No. COM/II/11/15(1)/94 (Part file) dated 01-10-2004 or till the posts are filled on regular basis whichever is earlier as per the names shown herebelow in column No. 2:-

Sr. No.	Name of the Officers & Designation	Order No. and date of ad hoc promotion	Date of expiry of the period	Period of further extension of ad hoc promotion
1	2	3	4	5
1.	Shri H. S. Patil, Principal, GHSS, Pernem	No. 1(2)-7-2003/SE/107 dated 12-3-2003	12-09-2004	13-09-2004 to 12-03-2005
2.	Shri M. L. Patil, Principal, GMHSS, Borda-Margao.	- do -	- do -	- do -
3.	Shri Shivanand Talkar, Principal, GHSS, Sanquelim.	- do -	- do -	- do -
4.	Smt. Vijaya Borkar, Principal, GHSS, Valpoi.	- do -	- do -	- do -
5.	Shri Gajanan Bhatt, Dy. Education Officer, North Educational Zone, Mapusa.	- do -	- do -	- do -
6.	Shri Thomas Mathew, Dy. Education Officer, Central Education Zone, Panaji-Goa.	- do -	- do -	- do -

1	2	3	4	5
7. Kum. Maria Rose Grace D'Souza, Vocational Education Officer, Directorate of Education, Panaji.	- do -	- do -	- do -	
8. Shri Shaliendra Virdikar, Vocational Education Officer, Goa Board of Sec. & Hr. Sec. Edn., Porvorim.	- do -	- do -	- do -	
9. Shri L. G. Phadte, Dy. Education Officer, North Education Zone, Mapusa.	- do -	- do -	13-09-2004 to 31-01-2005	

By order and in the name of the Governor of Goa.

Ashok N. P. Dessai, Ex-officio Joint Secretary (School Education).

Panaji, 6th October, 2004.

Department of Labour

Order

No. 28/14/2004-LAB

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Highmark India Pvt. Ltd., Pilerne Industrial Estate, Marra-Bardez, Goa, and its workmen in respect of the matter specified in the Schedule hereto (hereinafter referred to as the "said dispute");

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the "said Act"), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, at Panaji-Goa, constituted under section 7-A of the said Act.

SCHEDULE

- "(1) Whether the action of the management of M/s. Highmark India Pvt. Ltd., Pilerne Industrial Estate, in terminating the services of its workmen Shri Prakash Rama Malik - Cutting operator, Shri Ashok G. Samant - Cutting operator and Binder and Shri Suresh Kadam - Binder-cum-General Operator, with effect from 01-04-2004 is legal and justified ?

- (2) If not, what relief the workmen are entitled to ?"

By order and in the name of the Governor of Goa.

Vasanti H. Parvatkar, Under Secretary (Labour).

Porvorim, 11th October, 2004.

Order

No. 28/15/2004-LAB

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Haathi Mahal Resort Hotel, Cavelossim, Salcete-Goa, and its workperson Ms. Andreza Cruz, in respect of the matter specified in the Schedule hereto (hereinafter referred to as the "said dispute");

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the "said Act"), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, at Panaji-Goa, constituted under section 7-A of the said Act.

SCHEDULE

- "(1) Whether the action of M/s. Haathi Mahal Resort Hotel, Cavelossim, Salcete, Goa, in terminating the services of Ms. Andreza Cruz, Resort Attendant, with effect from 27-01-2004, is legal and Justified ?

- (2) If not, what relief the workman is entitled to ?"

By order and in the name of the Governor of Goa.

Vasanti H. Parvatkar, Under Secretary (Labour).

Porvorim, 11th October, 2004.

Order

No. 28/17/2004-LAB

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Hotel Delmon, Panaji and their workmen Shri Laxman Sakharam Navar, Assistant Maintenance, in respect of the matter specified in the Schedule hereto (hereinafter referred to as the "said dispute");

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the "said Act"), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, at Panaji-Goa, constituted under section 7-A of the said Act.

SCHEDULE

"(1) Whether the action of the management of M/s. Hotel Delmon, Panaji, in refusing employment to their workman Shri Laxman Sakharan Vavar, Assistant Maintenance with effect from 10-01-2003, is legal and justified ?

(2) If not, what relief the workman is entitled to ? "

By order and in the name of the Governor of Goa.

Vasanti H. Parvatkar, Under Secretary (Labour).

Porvorim, 11th October, 2004.

Order

No. 28/18/2004-LAB

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Beach Resort Estrela Do Mar, Calangute, and it's workman Shri Joao Caitano Simon D'Souza, in respect of the matter specified in the Schedule hereto (hereinafter referred to as the "said dispute");

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the "said Act"), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, at Panaji-Goa, constituted under section 7-A of the said Act.

SCHEDULE

"(1) Whether the action of the management of M/s. Beach Resort Estrela Do Mar, Calangute, in terminating the services of it's workman Shri Joao Caitano Simon D'Souza, Waiter-cum-Roomboy, with effect from 21-07-2003 is legal and justified?

(2) If not, what relief the workman is entitled to ? "

By order and in the name of the Governor of Goa.

Vasanti H. Parvatkar, Under Secretary (Labour).

Porvorim, 11th October, 2004.

Order

No. 28/19/2004-LAB

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Marmagao Steel Ltd., Curtorim-Goa, and It's workman Shri Viraj Y. Govekar, in respect of the matter specified in the Schedule hereto (hereinafter referred to as the "said dispute");

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the "said Act"), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, at Panaji-Goa, constituted under section 7-A of the said Act.

SCHEDULE

"(1) Whether Shri Viraj Y. Govekar, Junior Officer, can be construed as workman as per clause (s) of Section 2 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) ?

(2) If the answer to issue No. (1) above is in the affirmative, then, whether the action of the management of M/s. Marmagao Steel Ltd., Curtorim, in terminating the services of Shri Viraj Y. Govekar, Junior Officer, with effect from 2-2-2004 is legal and justified.

(3) If the answer to issue No. (1) above is in the negative, then, what relief, if any, the workman is entitled to ? "

By order and in the name of the Governor of Goa.

Vasanti H. Parvatkar, Under Secretary (Labour).

Porvorim, 11th October, 2004.

Notification

No. 28/1/2004-LAB

The following Award passed by the Industrial Tribunal of Goa, at Panaji-Goa on 16-8-2004 in reference No. IT/3/99 is hereby published as required by section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

Vasanti H. Parvatkar, Under Secretary (Labour).

Panaji, 2nd September, 2004.

IN THE INDUSTRIAL TRIBUNAL

GOVERNMENT OF GOA

AT PANAJI

(Before Shri Ajit J. Agni, Hon'ble Presiding Officer)

Ref. No. IT/3/99

Shri Shrikant K. Vengurlekar,
House No. 352, St. Caetano Chapel,
Post Santa Cruz,
Merces-Goa.

Workman/Party I

V/s

The Managing Director,
Goa Housing Board,
Porvorim,
Bardez-Goa.

... Employer/Party II

Party I/Workman - Represented by Adv. Shri D. P. Bhise.

Party II/Employer - Represented by Adv. Shri H. Naik.

Panaji, dated: 16-8-2004.

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) the Government of Goa by order dated 5th January, 1999 bearing No. IRM/CON-MAP/(99)/97/79 referred the following dispute for adjudication of this Tribunal.

- (1) "Whether the Goa Housing Board, Porvorim, Bardez-Goa, comes under the purview of the definition of "Industry" of the Act (Central Act 14 of 1947), and consequently Shri Shrikant K. Vengurlekar, driver of the said Housing Board is a workman ?
- (2) Whether the contention of Shri Shrikant K. Vengurlekar, driver, in alleging that the Goa Housing Board, Porvorim, retired him from services prematurely on 31-8-1997 on completion of 58 years and not at the age of 60, amounts to illegal termination of service ?
- (3) If so, to what relief the workman is entitled ?"

2. On receipt of the reference a case was registered under No. IT/3/99 and registered A/D notice was issued to the parties. In pursuance to the said notice the parties put in their appearance. The Workman/Party I (for short, "Workman") filed his statement of claim at Exb. 4. The facts of the case in brief as pleaded by the workman are that he was working with the Employer/Part II (for short, "Employer") as a heavy vehicle driver and he was performing the duties of driving vehicles like truck, tanker, car etc., belonging to the employer during his tenure of service. That the activities carried on by the employer are of definite character of trade which produces material goods in the form of providing houses to the public thereby rendering material services to the society. That the employer acquires land and develops the same for the purpose of construction of bungalows, flats, independent buildings which are sold to the public on payment of costs. That the activities undertaken by the employer are carried out with the co-operation between the employer and its employees. That the employer is an industry as defined under the Industrial Disputes Act, 1947. That on receipt of the information that he was going to be retired w.e.f. 31-8-97 on completion of the age of 58 years, he represented orally to the Managing Director that the drivers of the PWD working in Roads and Bridges Division are retired on attaining the age of 60 years and as such he requested that he should be retained till the age of 60 years. That

since there was no favourable response he made a representation dated 16-6-97 requesting to extend his retirement till the age of 60 years. That he did not receive any reply but received an order dated 1-9-97 informing that he has been retired from service w.e.f., 1-9-97. That he is an artisan within the meaning of Rule 56(b) of the FR and as such he is entitled to retire from service on attaining the age of 60 years. That the action of the employer to retire him at the age of 58 years is arbitrary and violative of Art. 14 of the Constitution of India. The workman contended that the action of the employer in retiring him at the age of 58 years is illegal, arbitrary and null and void.

3. The employer filed written statement at Exb. 5. The employer stated that the workman was working as a Driver cum Peon for the Junta de Commercio Externo, Panaji, w.e.f., 27th December 1965 and his services were transferred to the Goa, Daman and Diu Housing Board w.e.f., 19th December 1970 and he was working as a light vehicle driver up to 25th June 1983. The employer stated that the workman was appointed as a heavy vehicle driver from 26th June 1983 till his retirement on superannuation up to 31st August 1997. The employer stated that the service conditions of its employees are governed by the provisions of Goa, Daman and Diu Housing Board Cadre Recruitment of Staff Functions, Powers and Spheres of Duties of Officers and other Employees (Fourth Amendment) Regulations, 1983, and the workman was fully covered under these regulations as per the provisions of Goa, Daman and Diu Housing Board Act. The employer stated that as per the provisions of law the workman retired from service w.e.f. 1st September 1997 on attaining the age of 58 years and at his request he was reappointed on contract basis from 1st September 1997 to 28th February 1998. The employer denied that the workman Shri Shrikant Vengurlekar is an industrial worker or a workman or that he is entitled to render service up to 60 years. The employer denied that rule 56 (b) of Fundamental Rules are applicable to the workman. The employer stated that even under the provisions of Fundamental Rules 56(a) the workman is not entitled to continue in service up to 60 years. The employer stated that the workman was driving heavy vehicle i.e., truck from June 1991 to 1985 when the said truck was sold and thereafter the workman was driving light vehicle till the date of his retirement and as such he was a light vehicle driver. The employer denied that it falls within the definition of "Industry" and stated that it is set up under the provisions of Goa, Daman and Diu Housing Board Act 1968 for implementation of housing schemes and for developing plots as provided u/s 37 of the Goa, Daman and Diu Housing Board Act 1968. The employer stated that the works are not carried out by it but they are undertaken through qualified contractors by resorting to the process of tendering the works. The employer admitted that the workman had made a representation to it requesting to grant to him two years extension in service vide his letter dated 16th May 1997 and in the board meeting held on 12th July 1997 and 13th August 1997 it was decided to employ the workman purely on contract basis for 6 months from

1st September 1997 to February 1998. The employer stated that the workman was governed by FR 56(a) and he was liable to retire from service on attaining the age of 58 years and accordingly he has retired from service. The employer denied that its action of retiring the workman from service on completing the age of 58 years is illegal and unjustified. The employer stated that the workman made the claim after his retirement i.e. on 23rd September 1997 and therefore his claim is not maintainable. The employer denied that the workman is entitled to any relief. The workman thereafter filed rejoinder at Exb. 6.

4. On the pleadings of the parties following issues were framed at Exb. 7.

1. Whether the Party I proves tat the Party II is an "Industry" within the meaning of Sec. 2(J) of the Industrial Disputes Act, 1947 ?
2. Whether the Party I proves that he is a "Workman" as defined under Sec. 2(s) of the I.D. Act, 1947 ?
3. Whether the Party I proves that he is an artisan workman within the meaning of FR 56(b) and his retirement age is 60 years ?
4. Whether the Party I proves that the action of the Party II in retiring him from service on completion of age of 58 years is illegal and unjustified ?
5. Whether the Party I is entitled to any relief ?
6. What Award ?

5. My findings on the issues are as follows:

Issue No. 1: In the affirmative.

Issue No. 2: In the affirmative.

Issue No. 3: In the affirmative.

Issue No. 4: In the affirmative.

Issue No. 5: As per para. 16 below.

Issue No. 6: As per order below.

REASONS

6. Issue No. 1: The workman as well as the employer have filed written arguments, and I have considered the said arguments. The workman has submitted that the activities carried out by the employer, Goa Housing Board predominantly passes the triple test laid down by the Supreme Court in Bangalore Water Supply case. He has submitted that the employer does not finance any person or other bodies for development of housing industry but it purchases land, develops them into plots and sell them with profit margin, construct tenements and sell them to public. He has submitted that the activities carried out by the employer have come, in evidence of the parities and as per the said activities the employer falls within the definition of "industry" as defined under Sec. 2(J) of the Industrial Disputes Act, 1947. The employer on the other hand has submitted that it does not come within the definition of industry

under the Industrial Disputes Act, 1947. The employer has submitted that it is not a commercial venture nor a profit making organization, but it is a board set up under the statutory provisions for providing housing, especially to the categories mentioned in the Act.

Sec. 2(J) of the Industrial Disputes Act, 1947 defines "industry" as follows:

Sec. 2 (J): "Industry" means any business, trade, undertaking, manufacturing or calling of employees and includes calling of service, employment, handicraft, or industrial occupations or avocation of workman.

The entire law on the scope of the definition of industry was reviewed by the Supreme Court in the case of Bangalore Water Supply and Sewerage Board v/s A. Rajappa reported in 1978 Lab. IC 467. In para. 160 of the Judgment the Supreme Court observed as follows:

"... So we proceed to formulate the principles deducible from our discussion which are decisive positively and negatively of the identity of industry under the Act. We speak not exhaustively but to the extent authoritatively until overruled by a larger bench or superseded by the legislative branch ..."

Subsequent to the decision of the Supreme Court in Bangalore Water supply case (supra) the definition of industry was amended by Sec. (c) of the Amending Act (45 of 1982) but it has not been brought into effect till this date nor the decision in Bangalore Water Supply case has been overruled by a larger bench of the Supreme Court. This being the case whether the employer Goa Housing Board is an industry or not will have to be found out in terms of the law laid down by the Supreme Court in Bangalore Water Supply Case. The Supreme Court in para. 16 of the Judgment has laid down the following triple test to find out whether an establishment or undertaking is an industry or not.

(a) Where

- (i) Systematic activity
- (ii) Organised by Co-operation between employer and employees (the direct and substantial element is chimerical)
- (iii) For the production and for distribution of goods and services calculated to satisfy human wants and wishes (not spiritual or religious but inclusive of material things or services geared to celestial bliss i. e making on a large scale prasad or food) there is an industry in that enterprises.

7. In the present case the workman has examined only himself whereas the employer has examined its Executive Engineer Shri A. V. Radhakrishnan. The workman has stated in his deposition that the employer

carries on the activities of developing the properties belonging to private parties and comunidades and also Government. He stated that after developing the properties and dividing them into plots they are sold to the public by public auction and the employer derives profit out of the sale of the plots. He stated that the employer also undertakes construction of houses and these houses are sold to public by lots and the employer derives profit out of the sale of the houses constructed by it. In the cross examination he stated that the construction of the houses was being undertaken by the employer and some times the contract of construction was being given to some third party. He stated that he does not know how much profit was being derived by the employer out of the sale of the houses constructed by it. In his cross examination he stated that the construction of the houses was being undertaken by the employer and some times the contract of construction was being given to some third party. He stated that he does not know how much profit was being derived by the employer out of the sale of the plots. The employer's witness Shri A. V. Radhakrishnan, the Executive Engineer stated in his deposition that the employer carries on the activity of development of plots and construction of houses by acquiring the land, and that the said houses are constructed for the intending purchaser. He stated that the 25% of the plots are sold by auction and that tenders are floated for development of plots and construction of houses. He stated that there is no profit motive involved in the activities of the employer. In his cross examination he stated that the sale price of the developed plots and of the houses/flats is fixed considering the expenditure involved and that the present market value is taken into consideration at the time of fixing the sale price. He denied that profit motive is involved at the time when the developed plots/houses/flats are sold by the employer. He stated that the workman was taking the Engineers of the employer at various sites in the vehicle given to him. He stated that the development of plots and construction of houses, flats is supervised by the technical staff of the employer, and that the architects employed by the employer are drawing the plans of the houses, flats. He admitted that unless there is co-operation between the employer and its employees the work of development of plots and construction of houses/flats cannot be done.

8. From the evidence which has come on record and which is discussed above, it can be seen that the defence which has been taken by the employer is that it is created under a statute namely Goa, Daman and Diu Housing Board Act 1969, and it is not a profit making body. The Supreme Court in Bangalore Water Supply case (supra) at para. 161 of the judgment has held that only the sovereign functions of the Government qualify for exemption from the definition of industry and not the welfare activities or the economics activities undertaken by the Government or by the statutory bodies. The Supreme Court has further held that the absence of profit or gainful objective is irrelevant, be the venture in the public, joint, private or other sectors. In the circumstances the contention of the employer

that it is a statutory body carrying out functions under the statute and that it does not earn any profit from the activities carried out by it and that therefore it is not an industry, is not tenable under the law. The Gujrat High Court in the Case of PWD Employees Union and others v/s The State of Gujrat reported in 1988 1 LLJ 524 has held that it is the character of the activity which decides the question as to whether the activity in question attracts the provision of Sec. 2(J) of the Industrial Disputes Act, 1947 and not that who conducts the activity or whether it is conducted for profit or not. The Division Bench of the Rajasthan High Court in the case of Hanuman Singh v/s Municipal Council Jaipur, reported in 1989 (58) FLR 392 has held that the Municipal Council Jaipur is an "industry". The Municipal Council also is a creature of statute. In the evidence which has been discussed above it has come on record that the employer in the present case carries on the activity of developing the properties, dividing them into plots and sells them to the public by public auction or otherwise. It has also come on record that the employer construct the houses by acquiring land and that the said houses are constructed for intending purchases. It has come in evidence that the sale price of the plots and houses are fixed by taking into consideration the expenditure involved and present market value. It has come in evidence that for carrying out above activities the employer employs Engineers, architects and other technical staff. The employer's witness Mr. Radhakrishnan has stated that the Board is set up for the implementation of the Housing Scheme. Thus the activities which are enumerated above are the economic or the welfare activities meant for the welfare of the people. They are not the sovereign or regal functions of activities and they can be carried out by private bodies. The employer's witness Mr. Radhakrishnan has admitted in his evidence that unless there is co-operation between the employer and the employees the work of development of plots and construction of houses/flats cannot be done. Thus there is systematic activity organised by co-operation between the employer and the employees for the distribution of service to satisfy human wants and wishes. They are the economic as well as welfare activities carried out by the employer for the welfare of the people. These activities cannot be carried out otherwise than by co-operation between the employer and its employees. The contention of the employer that it does not earn any profit from the said activities and hence it is not an industry has no substance in view of the law laid down by the Supreme Court in Bangalore Water Supply case (supra) wherein it is held that the profit motive is totally irrelevant. In the circumstances, I hold that the employer, that is, the Goa Housing Board, Porvorim, is an "industry" within the meaning of Sec. 2(J) of the Industrial Disputes Act, 1947. I, therefore answer the issue No. 1 in the affirmative.

9. Issue No. 2: Since the order of reference itself mentioned whether Shri Shrikant Vengurlekar is a workman, the burden was cast on him to prove that he is a workman as defined under Sec. 2(s) of the Industrial Disputes Act, 1947.

Sec. 2(s) of the Industrial Disputes Act, 1947 defines "Workman" as follows :

"Workman" means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, where the terms of employment be express or implied and for the purposes of any proceedings under this Act in relation to an industrial dispute, include any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person —

- (i) who is subject to the Air Force Act, 1950, or the Army Act 1950, or the Navy Act, 1957; or
- (ii) who is employed in the police service or as an officer or other employee of a prison, or
- (iii) who is employed mainly in a managerial or administrative capacity, or
- (iv) who, being employed in a supervisory capacity draws wages exceeding one thousand six hundred rupees per mensem or exercise, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.

10. The Bombay High Court in the case of S. A. Sarang v/s S. W. G. Forge & Allied Industries Ltd., reported in 1995 I CLR 837 has held that it is a settled law that it is the actual work done by the employee which is determinative of whether he falls within the scope of the definition of "workman" under Sec. 2(s) of the Act and not his designation. Therefore to find out whether Shri Shrikant Vengurlekar is a workman or not what is required to be considered is the principal or main duties performed by him. In the present case it is an admitted fact that the workman Shri Vengurlekar was working with the employer as a driver. The employer's witness Shri Radhakrishnan has stated in his deposition that workman Shri Shrikant Vengurlekar was working as a Heavy vehicle driver with the employer. Shri Vengurlekar stated in his deposition that he was taking cement in the truck from the godwon of the employer and delivering them at various construction sites. He has stated that sometimes he has also driven the water tanker of the employer for bringing water from Quepem and supply the same to the houses at Margao, as per the orders issued to him. He has produced one of such orders dated 25th April 1988 issued to him at Exb. W-3. The said order mentions that the workman Shri Vengurlekar is directed to work at Margao w. e. f., 26-4-1988 on the water tanker, till further orders. In his cross examination, the employer did not deny the above statement made by him, that is the nature of the work done by him. The Supreme Court in the case of Prithipal Singh v/s Union of India reported in AIR 1991 SC 915 has

held that a driver has to use his whole body especially his hands and feet to drive the vehicle and therefore he is a skilled or semi-skilled person. Therefore it is established that the work done by the workman Shri Shrikant Vengurlekar as a driver was of skilled or semi-skilled nature. His case does not fall within the exceptions laid down in the definition of "workman". It has been already held by me that the employer where Shri Shrikant Vengurlekar was working as a driver is an "industry". I therefore hold that Shri Shrikant Vengurlekar is a "workman" as defined under Sec. 2(s) of the Industrial Disputes Act, 1947. I therefore answer the issue no. 2 in the affirmative.

11. Issue No. 3 : The contention of the workman is that the conditions of service applied to him were the same as applied to the employees of the State Government. His contention is that since he was working as a driver he fell within the meaning of artisan and therefore as per Rule 56(b) of the Fundamental Rules he ought to have been retired at the age of 60 years and not at the age of 58 years. The workman has relied upon the Notification dated 19th November 1974 issued by the Government of Goa, Daman and Diu produced by him at Exb. W-5 and the judgment of the Hon'ble Bombay High Court dated 6th March 1996 passed in Writ Petition No. 309/93 which has been produced by him at Exb. W-6. The contention of the employer on the other hand is that its employees are governed by the Goa, Daman and Diu Housing Board Cadre Recruitment of Staff Functions, Powers and Spheres of Duties of Officers and other Employees (Fourth Amendment) Regulations, 1983, and the workman was covered under the said regulations. The employer's contention is that the workman was correctly retired on attaining the age of 58 years w. e. f., 1st September 1997. The employer has denied that the workman was required to be retired at the age of 60 years under F. R. 56(b) as claimed by him.

12. It is not in dispute that the workman was retired w. e. f., 1st September 1997, on attaining the age of 58 years. The workman has produced the order dated 1st September 1997 at Exb. W-4 issued to him to that effect by the employer. The question is whether the workman was covered under the Fundamental rule 56(b). The workman has produced the Notification dated 19th November 1974 issued by the Government of Goa, Daman and Diu, Urban Development Department under the Goa Daman and Diu Housing Board Act, 1968 making the regulations called the Goa, Daman and Diu Housing Board Cadre recruitment of staff, functions, powers, and sphere of duties of officers and other Employees Regulations, 1974. There is Annexure I to the said Regulations. Clause 12 of the said Annexure lays down that the service conditions of the employees of the Board shall be the same as are applicable to the Government employees of the Union Territory as per the relevant rules/regulations/instructions in force from time to time, subject to the modification that the powers assigned to the Government in those rules/regulations/instructions etc., shall be exercised by the Board. Thus as per the

above Regulations the same service conditions applied to the employees of the employer as applied to the employees of the Government. The Government employees are governed by the Fundamental Rules. Therefore by virtue of the above Regulation Exb. W-5, the employees of the employer also came to be governed by the Fundamental Rules. The employer's witness Shri Radhakrishnan was shown the notification dated 19th November 1974 Exb. W-5 and he stated that there is no other notification which has superseded the above said notification. He further stated in his cross examination that at the time when the workman retired from service the terms and conditions contained in the notification dated 19-11-74 Exb. W-5 applied to him. He also admitted that the Fundamental Rules applied to the employer. Thus there is admission on the part of the employer itself that the Fundamental Rules applied to the employer and the said rules were applicable to the workman at the time when he retired from service. The employer in the written statement has relied upon the Goa, Daman and Diu Housing Board Cadre recruitment of staff, functions, powers and sphere of duties of officers and other Employees Regulations, 1974 were amended and the Annexure I to the said Regulation was substituted by the Annexure 1 to the Regulation 1983. The Annexure I to the Regulation 1983 provided for the same service conditions of the employees of the employer as provided under the Annexure I to the Regulation 1974 namely the same service conditions as applicable to the Government employees. The provision regarding service conditions of the employees of the employer remained the same under clause 7 of the said Annexure I as was provided under clause 12 of the Annexure I to the Regulation 1974. Therefore it is established that at the time when the workman retired from service with effect from 1st September, 1997 the workman was governed by the service conditions as applicable to the Government employees and as such the Fundamental Rules applied to him.

Rule 56(b) of the Fundamental Rules reads as follows:

"(b) A workman who is governed by these rules shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years."

Note: In this clause, a workman means a highly skilled, skilled, semi-skilled or unskilled artisan employed on a monthly rate of pay in an industrial establishment".

13. It has been held by me that the workman Shri Shrikant Vengurlekar is a "workman" within the meaning of Sec. 2(s) of the Industrial Disputes Act, 1947. It has been also held by me that the employer Goa Housing Board is an "industry" as defined under Sec. 2(j) of the Industrial Disputes Act, 1947. The term "industrial establishment" is not defined under the Fundamental Rules. Sec. 2(ka) of the Industrial Disputes Act, 1947 defines Industrial Establishment as an establishment or undertaking in which any industry is carried on. The workman has relied upon the judgment of the Hon'ble Bombay High Court dated 6th March,

1996 passed in Writ Petition No. 309/1993 in the matter between Shri Harichandra Kenaudekar and Public Works Department. In the said case the Petitioner Shri Harichandra Kenaudekar was working as a driver in Works Division II, i.e., Roads and Bridges section of P.W.D. He had claimed that he is a workman and department where he is working is an industrial department and therefore he is entitled to continue in service till he attains the age of 60 years by virtue of Rule 56(b) and the Note thereunder of the Fundamental Rules. The issue whether the Works Division II i.e. Roads and Bridges Section of the Goa Government is an Industrial Establishment or not was referred to this Tribunal by the Hon'ble High Court by order dated 27-7-95 and this Tribunal was directed to give finding on the said issue. This Tribunal accordingly submitted findings dated 20-12-95 to the Hon'ble High Court holding that the Roads and Bridges Section of the P.W.D. is an industry within the meaning of Sec. 2(s) of the Industrial Disputes Act, 1947 and hence it is an industrial establishment. These findings were accepted by the Hon'ble High Court in the above said judgment. As mentioned earlier, it has been held by me that the employer Goa Housing Board is an "industry" within the meaning of Sec. 2(s) of the Industrial Disputes Act, 1947. I, therefore holding that the Goa Housing Board is an industrial establishment.

14. The workman was working as a driver with the employer. The employer's witness Shri Radhakrishnan has admitted in his evidence that the workman was working as a Heavy Vehicle Driver with the employer. The workman has produced at Exb. W-6, the judgment of the Hon'ble Bombay High Court, Panaji Bench (Goa) dated 6th March, 1996 passed in Writ Petition No. 309/1999. In this judgment the Hon'ble Bombay High Court has held that whether a driver is an Artisan or not has been decided by the same court in a judgment in Writ petition No. 26/92. The Hon'ble High Court has further held that it is well settled that a driver is an artisan which comes under the purview of Rule 56(b) of the Fundamental Rules and therefore the Petitioner who was working as a driver in the Roads and Bridges Division of the P.W.D. which was held to be an industrial establishment was entitled to retire at the age of 60 years. The Supreme Court in the case of Prithipal Singh (supra) has held that a driver of a staff car is undoubtedly a skilled or a semi-skilled person. He has to use his whole body especially his hands and feet to drive the vehicles, and that the definition of the word "artisan" is wide enough to include a driver of a car. The above judgment of the Hon'ble Bombay High Court, Panaji Bench (Goa) applies to the workman Shri Shrikant Vengurlekar. He was working as a driver and he is held to be a workman under the Industrial Disputes Act, 1947. He was working in the Goa Housing Board which is held by me to be an industrial establishment. Therefore the workman Shri Shrikant Vengurlekar is an artisan and he fell within the purview of Rule 56(b) of the Fundamental Rules. Therefore he was entitled to retire at the age of 60 years, and not at the age of 58 years.

I, therefore hold that the workman has succeeded in proving that he is an artisan workman within the meaning of FR 56(b) and his retirement age is 60 years. Hence I answer the issue No. 3 in the affirmative.

15. *Issue No. 4:* The workman in his claim statement at para 6 stated that on learning that he is going to be retired with effect from 31-8-97, he made a representation dated 16-6-97 requesting to extend the retirement upto 60 years, but no reply was given to the said representation and he was retired from service vide letter dated 1-9-1997. The employer in the written statement has not denied that the workman had made the representation. The employer has admitted in the written statement that the workman had requested to grant him two years extension in service. This request of the workman was not granted. The workman was retired from service vide order dated 1st September, 1997 Exb. W-4 with effect from 1-9-97 on reaching the age of 58 years. It has been held by me that Rule 56(b) of the Fundamental Rules applied to the workman and in terms of the said rule he was entitled to retire at the age of 60 years. However he was retired on completing the age of 58 years. Thus his retirement was premature. Therefore this action on part of the employer becomes illegal and unjustified. I, therefore hold that the workman has succeeded in proving that the action of the employer in retiring him from service on completion of the age of 58 years is illegal and unjustified. I therefore answer the issue No. 4 in the affirmative.

16. *Issue No. 5:* This issue pertains to the relief to which the workman is entitled to. It has been held by me that the workman was entitled to be retired at the age of 60 years and not at the age of 58 years. The workman was retired from 1-9-97 by the employer because he had completed 58 years of age. Since the workman was entitled to continue in service till the age of 60 years; he was liable to be retired from 1-9-1999. The workman in his evidence has stated that he has already completed the age of 60 years on 26th August, 1999. This being the case, the question of reinstating the workman in service now does not arise. However, since the workman was wrongly retired from service from 1-9-97 when he ought to have been retired from 1-9-99, he is entitled to full back wages with consequential benefits from 1-9-97 to 31-8-99. The employer's witness Shri Radhakrishnan has however stated in his desposition that the workman was given six months extension after his retirement, on contract basis. He has produced the Agreement dated 1-9-97 at Exb. E-1 signed between the employer and the workman to that effect. The workman has not denied this fact. The agreement dated 1-9-97 Exb. E-1 states that the workman is given six months extension from 1-9-97 on terms and conditions contained in the said agreement. This being the case, the workman will not be entitled to any back wages for the period from 1-9-97 to 28th February, 1998. The workman will be entitled to full back wages with consequential benefits for the period from March, 1998 to 31st August, 1999. Besides the said full back wages the workman will also

be entitled to retirement benefits as if he has been retired from 1-9-99 on completing the age of 60 years. In the circumstances, I hold that the workman is entitled to full back wages with consequential benefits from 1st March, 1998 to 31st August, 1999, and retirement benefits as if he has been retired from 1st September, 1999.

Hence, I pass the following order.

ORDER

It is hereby held that Goa Housing Board, Porvorim, Bardez-Goa, is an "industry" within the meaning of Sec. 2(J) of the Industrial Disputes Act, 1947 and Shri Shrikant K. Vengurlekar, driver, is a workman within the meaning of Sec. 2(s) of the said Act. It is hereby held that the action of the Goa Housing Board, Porvorim in retiring Shri Shrikant Vengurlekar from service on 31-8-1997 on completing the age of 58 years and not at the age of 60 years amounts to illegal termination of service. It is hereby further held that Shri Shrikant Vengurlekar is entitled to full back wages with consequential benefits from 1st March, 1998 to 31st August, 1999 and he is also entitled to the retirement benefits as if he has been retired from 1st September, 1999.

No order as to costs. Inform the Government accordingly.

Sd/-

(Ajit J. Agni),
Presiding Officer,
Industrial Tribunal

Department of Law & Judiciary

Law (Establishment) Division

Order

No. 5/30/2002/LD-Estt.

Read: 1) Order No. 5/30/2002/LD-Estt. dated 1-11-2002 constituting a Committee for drafting a Bill on Goa Family Code.

2) Addendum No. 5/30/2002/LD-Estt. dated 2-1-2003.

Government of Goa is pleased to extend the term of the above cited Committee, for a further period of one year with effect from 1-11-2004, on the same terms and conditions.

By order and in the name of the Governor of Goa.

Mario da Silva, Under Secretary (Law).

Panaji, 8th October, 2004.

Corrigendum

No. 4-3-2-2001-LD(1)

Read: Government Order No. 4-3-2-2001-LD(1) dated 19-8-2004.

The name of Ms. Milena Gomes, appearing in the Order cited above, may be corrected to read as "Smt. Milena Gomes e Pinto" instead of "Ms. Milena Gomes".

By order and in the name of the Governor of Goa.

Mario da Silva, Under Secretary (Law).

Panaji, 6th October, 2004.

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Department of Personnel
Order

No. 5/1/2003-PER

The ad hoc appointment of Shri B. T. Mahale, Junior Scale Officer of Goa Civil Service Cadre is extended for the period from 1-1-2004 upto 31-10-2004 or till the appointment is made on regular basis whichever is earlier.

This issues with the approval of Goa Public Service Commission vide its letter No. COM/11/11(42)(1)/94/Part file dated 15-9-2004.

By order and in the name of the Governor of Goa.

Prasanna Acharya, Under Secretary (Personnel-II).

Porvorim, 5th October, 2004.

Order

No. 15/28/96-PER

Whereas, on the recommendation of the Goa Public Service Commission, as conveyed vide its letter No. COM/1/5/42(2)/96 dated 18-9-1996, Shri Uttam K. (Prabhakar) Pal, was appointed to the post of Block Development Officer, vide order No. 15/18/96-PER dated 3-1-1997.

And whereas, the services of Shri Pal continue to be temporary and on probation.

And whereas, his Annual Assessment Reports and his overall performance as well as Confidential Reports given by his higher authorities from time to time were noted and considered by the competent authority.

And whereas, the matter of lifting of his probation period and confirmation was referred to the Goa Public Service Commission for recommending appropriate line of action on the aforesaid issue, as required under the rules.

And after consideration of his overall performance and assessment during the probation period, now therefore the Governor of Goa hereby terminates and discharges Shri Uttam K. (Prabhakar) Pal, from his services as Block Development Officer with immediate effect as provided under Rules 5(1) of C. C. S. (Temporary Service) Rules, 1965, and further directs that Shri Uttam K. (Prabhakar) Pal shall be paid a sum equivalent to the amount of one month, i.e. notice period, at the same rate at which he was drawing his pay immediately before the date of this order.

By order and in the name of the Governor of Goa.

Prasanna Acharya, Under Secretary (Personnel-II).

Porvorim, 8th October, 2004.

Order

No. 15/14/96-PER

Whereas, on the recommendations of the Departmental Promotion Committee as conveyed by the Goa Public Service Commission vide its letter No. COM/II/42(1)/91 dated 22-2-1996, Shri G. A. Kudalkar, Awal Karkun, was promoted on regular basis to the post in the Cadre of Mamlatdar/Joint Mamlatdar/Assistant Director of Civil Supplies vide Government Order No. 15/2/80-PER/Part-II dated 19-3-1996.

And whereas, the services of Shri Kudalkar continue to be temporary and on probation.

Whereas his overall performance during the probation period as well as his Confidential Reports are noted by the Competent Authority, and after considering his performance during the probation period he is found not suitable to the post in the cadre of Mamlatdar/Joint Mamlatdar/Assistant Director of Civil Supplies.

And whereas, the matter was referred to the Goa Public Service Commission for recommending appropriate line of action on the aforesaid issue, as required under the rules.

And after consideration of his overall performance during the probation period, now therefore the Governor of Goa hereby reverts Shri G. A. Kudalkar from his service as the Officer in the cadre of Mamlatdar/Joint Mamlatdar/Assistant Director of Civil Supplies to his substantive post of Awal Karkun with immediate effect. He shall report to the Collector, North, for further posting.

By order and in the name of the Governor of Goa.

Prasanna Acharya, Under Secretary (Personnel-II).

Porvorim, 8th October, 2004.

Department of Planning

Directorate of Planning, Statistics & Evaluation

Corrigendum

No. DPSE/I/ADMN/2004/VRS/5404

Read: DPSE/I/ADMN/2004/VRS/5130 dated 13-9-2004

In the above referred order, the voluntary retirement acceptance date may be read as w.e.f. 14-09-2004 (B.N.) instead of 13-09-2004 (A.N.).

By order and in the name of the Governor of Goa.

S. K. Tewari, Director & Ex officio Joint Secretary (Planning).

Panaji, 13th October, 2004.

Department of Public Health**Order**

No. 2/12/2004-II/PHD

Read: Government order of even number dated 24-8-2004.

On medical examination by the medical board constituted for the purpose in the Goa Medical College Dr. Kolwalkar Ravish Suresh, appointed as Lecturer in Orthopaedic Surgery in Goa Medical College vide above referred order has been declared medically fit by the said Board.

By order and in the name of the Governor of Goa.

S. G. Korgaokar, Under Secretary (Health).

Porvorim, 11th October, 2004.

Order

No. 4/18/2002-II/PHD

Read: 1) Order No. 2/36/98-II/PHD dated 9-8-2002.

2) Order No. 4/18/2002-II/PHD dated 13-5-2003.

3) Order No. 4/18/2002-II/PHD dated 5-2-2004.

Government is pleased to regularize the period of ad hoc appointment of Dr. Sumedha Audi from 9-5-2004 to 27-6-2004 as Lecturer on ad hoc basis in the Department of Physiology in Goa Medical College, Bambolim in the pay scale of Rs. 10000-325-15200+NPA and other allowances to be fixed as per rules for the above period.

Dr. Sumedha Audi has been promoted to the post of Lecturer in Physiology on regular basis w.e.f. 28-6-2004 in the above pay scale vide order of even number dated 28-6-2004.

This issues with the approval of the Goa Public Service Commission vide their letter No. COM/II/11/30(6)/92 dated 3-9-2004.

By order and in the name of the Governor of Goa.

S. G. Korgaokar, Under Secretary (Health).

Porvorim, 12th October, 2004.

Certificate

No. 2/9/2004-II/PHD

Read: Government order of even number dated 18-8-2004.

Certified that the antecedents and character of Dr. Sahasrabhojane Mrinalini Girish, Lecturer in Obstetrics & Gynaecology, in the Goa Medical College, Bambolim mentioned in the above order have been verified and nothing adverse has come to the notice of the Government.

She has been medically examined and found fit for the post.

S. G. Korgaokar, Under Secretary (Health).

Porvorim, 11th October, 2004.

Certificate

No. 2/10/2004-II/PHD

Read: Government order of even number dated 26-8-2004.

Certified that the antecedents and character of Dr. Sinai Narvencar Kedareshwar Pandharinath appointed as Lecturer in Medicine in Goa Medical College, Bambolim vide the above order have been verified and nothing adverse has come to the notice of Government.

S. G. Korgaokar, Under Secretary (Health).

Porvorim, 11th October, 2004.

Department of Science, Technology & Environment**Order**

No. LS/MISC/1915/96/PART II/675

The Government is pleased to constitute a Flying Squad for special enforcement drives under the Goa Non-Biodegradable Garbage (Control) Act, 96 as well as the Goa Prohibition of Smoking and Spitting Act 97 with immediate effect. The members of the Squad shall be as under:

- | | | |
|-------------------------|------------------|----------|
| 1. Shri Suresh Narulkar | Jt. Mamlatdar II | Convenor |
| 2. Shri Ram Asare | PSI | Member |
| 3. Shri Mathew Pereira | | Member |

- | | |
|----------------------------------------------------------------------------------------|--------|
| 4. Representative of
Department of Science,
Technology &
Environment (DSTE) | Member |
| 5. Representative of
People's Movement
for Civic Action
(PMCA) | Member |
| 6. Representative of
Goa Small Industries
Association (GSIA) | Member |
| 7. Representative of
National Organization
for Tobacco Eradication
(NOTE-GOA) | Member |

The squad shall undertake periodic special 'drives/raids' to enforce the provisions of the said Acts and take necessary action against the violators as and when required, but atleast twice a month.

The action taken through the squad shall be in addition to the normal enforcement activity which shall continue unabated.

By order and in the name of the Governor of Goa.

Dr. N. P. S. Varde, Director/Joint Secretary, DSTE.

Saligao, 8th October, 2004.

Order

No. LS/MISC/1915/96/PART II/676

The Government is pleased to constitute a Flying Squad for special enforcement drives under the Goa Non-Biodegradable Garbage (Control) Act, 96 as well as the Goa Prohibition of Smoking and Spitting Act, 97

with immediate effect. The members of the Squad shall be as under:

- | | | |
|----------------------------------------------------------------------------------------|--------------------------------|----------|
| 1. Shri S. P. Pilarnekar | Mamlatdar-in-
-Collectorate | Convenor |
| 2. Shri Suraj Halankar | PSI | Member |
| 3. Shri Mathew Pereira | | Member |
| 4. Representative of
Department of Science,
Technology &
Environment (DSTE) | | Member |
| 5. Representative of
People's Movement
for Civic Action
(PMCA) | | Member |
| 6. Representative of
Goa Small Industries
Association (GSIA) | | Member |
| 7. Representative of
National Organization
for Tobacco Eradication
(NOTE-GOA) | | Member |

The squad shall undertake periodic special 'drives/raids' to enforce the provisions of the said Acts and take necessary action against the violators as and when required, but atleast twice a month.

The action taken through the squad shall be in addition to the normal enforcement activity which shall continue unabated.

By order and in the name of the Governor of Goa.

Dr. N. P. S. Varde, Director/Joint Secretary, DSTE.

Saligao, 8th October, 2004.